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[MAY 14, 1825.]

REPORT OF THE BOARD OF INTERNAL IMPROVEMENT.

Message of President of the United States transmitting a report of the examination which has been made by the Board of Engineers, with a view to internal improvement, &c.

(Concluded.)

ground with a knowledge of the most essential facts, and aided with the judgment of all who had preceded them; but it not being within the scope of their commission, at this time, to form a definitive plan of the works, and to make an estimate of the cost; but rather to form a decisive opinion of the practicability of the canal, and to acquire a knowledge of the route requisite to direct the execution of surveys necessary to the final plan, a brief description of the intervening country will make the subsequent remarks more intelligible.

At this place, the Rocky Ridge, which appears to occupy the nearer portion of Plymouth county, and extend eastward along the middle of the Isthmus, discontinues for about one-fourth of a mile, and a long narrow valley exists, which, including the marshes on the north, measures eight miles. The highest ground in the route is a plain of of nearly one mile in extent, 33 feet above low water mark on the Barnstable Bay side. Two small rivers flow in opposite directions in this valley. The Scusset rises on the north side of the plain, in a bog of some extent, and, in its course, has fallen enough to carry a mill situate thereon. The Monument has its source in Herring Pond, a large expanse of water, situated on the west side of the valley, and 40 feet above it. This stream enters about the middle of the valley, and flows to Buzzard's Bay.

The summit ground has not, to our knowledge, been bored or searched by sinking shafts. How much it may partake of the nature of the adjacent country, remains to be ascertained.

The tide is three hours latest in Barnstable Bay, and rises eight feet in neap tides, nine feet in common tides, and twelve to thirteen in Spring tides. Low water mark is eight inches lowest on this side; on the south side of the Isthmus it rises three to five feet, or, more accurately, full tide is four feet three inches six-tenths higher, relatively, than high water in Buzzard's Bay.

A canal may, therefore, be excavated and drained to the low water mark, and carry eight to nine feet, and sometimes twelve feet, filled continually by the tide, and kept full by the gates of the rocks which must occupy its entrances. The northern entrance, from the Bay, must be protected by a break-water, or pier, forming, to some extent, an artificial harbor.

Examples of this kind of construction are numerous in Europe; and, in this Bay, we have one to the extent of several hundred feet at Cape Ann. The bottom of Sandwich is found to be good anchorage—three and a half fathoms are found at one-third of a mile, or three fathoms are found two hundred and fifty fathoms from the shore. Immediately within the beach it would be easy to excavate, in the Salt Marsh, a basin, for shipping to wait a favorable wind, and, by means of a dam near the mouth of Scusset Creek, to include a body of water so extensive as to supply the lockage without materially affecting the level or depth of the canal.

To render this passage at all times useful, it will be necessary to enter and leave it at all times of tide. This can only be provided for by carrying the lock out beyond low water mark, placing it in depth sufficient to float a vessel into it at low water. This lock must, therefore, be of double the usual depth, or there must be two of them in succession. The construction of locks, in a situation

thus exposed to the action of the sea, is no doubt attended with some difficulty. The usual resource of the Coffey Dam is impracticable here. In two similar situations in Scotland, (except in exposure to the open sea,) they projected a mass of earth, and excavated for the lock therein. But here the very nature of the adjacent country forbids this method as well as the waves of the ocean. In one of the reports which had been made, it was contemplated, as most expedient, to line the lock with plank, and make it tight by caulking; but although this might answer, and be easily executed, if the lock is placed wholly above water at low tide, and consequently operative only at the moment of high tide, it would not be conveniently and securely done for a deep lock. Cemented walls cannot be built under water. Perhaps there remains, therefore, but one method, which is to build the lock above water wholly, and place it between the strong rough walls, which should be previously built to receive, sustain, and protect it.

If this were to be the mode of construction, and wood the material, the next question would be, both how it should be made durable, strong, and perfectly tight: the answer would be, that this structure should be built over the situation prepared for it, and lowered into it complete, when, the previous arrangements being made, it might be permanently secured, or it might be built like a vessel on shore, and launched, &c. The manner of constructing it for tightness and durability would be, in preference, the new method of ship building in England, by successive layers, transverse to each other, interposing tarred canvass or paper, the materials then become posited in their greatest strength, perpendicular to the fibre, while the resinous substances exclude the air as well as water, being drawn together by as many trenails or nailings as there are layers, except one; and as many thicknesses may be given to the bottom or to the sides, it is necessarily strong and durable.

There is still another method, however, which was resorted to at Venice in the construction of naval docks. That of building a caisson, and then, by the erection of the walls within it, cause it to settle, and finally to sink, thus loaded, into its place. This method would, in our case, be attended with more expense, but is not impracticable. The caisson might, on that occasion, be built of lamina, as described for the lock chamber.

In a communication of this importance, one lock or entrance of the large dimensions necessary would scarcely be a sufficient accommodation, and two would be a guard against interruption from any temporary accident.

The adjacent shores furnish an abundance of rock for the construction of piers. The shore is bold, and at the distance of 250 fathoms, is deep enough to float any ship that could pass through.

The engineers heretofore employed on the survey of this route, traced a line of a canal to Back River Harbor, half a mile west of the mouth of Monument River. The harbor is found to have 11 to 17 feet at low water, the inner harbor eight feet; but there is a sand bar between the former and the bay, extending from Toby's Creek to Marshner's Island, which has eight feet at low water. If a channel were to be cut through this bar, vessels might, of course, enter at all times; but vessels drawing fifteen feet would be the largest that could enter at high water safely, and then would ground at low water.

Perhaps the depth of this harbor is the best rate for the depth of the canal, unless the locks should be carried beyond the inner shoal and the outer shoal removed, when there would be 17 to 20 feet at the entrance.

The water from Herring Pond appears to have

been relied on in some measure to supply the canal. It is supposed to have an area of four square miles; at this time the outlet afforded but 10 ^{1 6 4}/₁₀₀₀ cubic feet per second. This pond, however, as a reservoir, may be occasionally very valuable. If it could be raised, or if the outlet (of which there is less doubt) were deepened, four square miles four feet deep, reduced by evaporation to three feet, would amount to 334,570,200 cubic feet. Should the canal be 80 feet wide and eight miles long, its area is 3,379,200 square feet; that quantity would raise the surface of the canal four feet 24 four times, six feet 16 times. The second of such a canal would be 650, feet the prism 22,256,000. The reservoir would hold 15 times the prism. The upper section of the Languedoc canal for the whole year uses eleven prisms of its contents.

Applying the rule of estimate we have, in the early part of this report, shown to be according to experience, viz: 58.13 per mile per minute, for evaporation and soakage, and allowing this canal to be double width, and usual depth above tide

58.13 X 16 X 60 X 12 hours = 669,600 per day.

Lockage three locks per hour,

cubic feet, 30,000 2,160,000

Cubic feet per day 2,829,600

The reservoir would, therefore, provide for one hundred and eleven days an additional depth of five feet.

These calculations are intended to show the importance of an accurate survey of Herring Pond, and an investigation of its capacity and capability of being converted and improved into a reservoir.

Although not charged with the duty of making an estimate of the expense of this work, it may be acceptable to the Department to learn what estimates have been made on former occasions. These appear to be respectively as follows: 427,000 dollars, 417,000 dollars, 492,000 dollars, 400,000 dollars: the latter including three steam boats for towing the vessels and breaking the ice. Their plan did not probably include the breakwater and some other particulars referred to; nor a canal of those noble dimensions we have been supposing.

The winter, if very severe, may close the canal for a short time. It is very rare that Boston harbor is closed, even for a short time. At such times the active exertions of steam boats, equipped with ice-breakers; as suggested by Mr. Jones, for the Delaware, would keep Back River Harbor clear, and one which should break up the ice in the canal, would also be useful in assisting vessels through against the wind.

Some apprehension has been entertained that sand might accumulate at the entrance of Barnstable Bay. It appears, on inquiry, that there is a constant progress of some sand from west to east, from Monument Point; and from southeast to northwest; also from the same towards Plymouth, and by this course, Scusset Creek had been gradually gaining east. In twenty-two years it was said its mouth had shifted three hundred yards, but there can be nothing to apprehend from this cause, since, by allowing the canal to drain off occasionally, its entrance would be cleared, but the operation of the lock would alone keep it so.

Some few general remarks upon the navigation may not be misplaced.

The harbors on Barnstable Bay are Provincetown and Wellfleet, for large vessels; Barnstable is accessible at all times for coasting vessels; Plymouth is accessible also for large vessels on the west side.

In coming up Buzzard's Bay there are three or four good ship harbors. It is well known that the prevailing winds of the spring are easterly, of the autumn westerly. In going over the shoals, or in

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doubling Cape Cod, there must be a shift of wind to gain any port from Plymouth to Portland. Vessels bound to them make some of the harbors of the Vineyard sound, and are sometimes, after sailing with a fair wind, met by an adverse gale before they reach their port, and after being driven around Nantucket Shoals, regain the sound to make a new effort. But the same wind that would carry a vessel into the Vineyard, would carry her up Buzzard's Bay, and through the canal to Boston Light, and all the other eastern harbors would be under the lee bow, with a northwest wind running from the canal.

The importance of this canal communication is illustrated by reference to the number of vessels which pass Cape Cod in a year. It was on a former occasion ascertained that, in the year 1791, six hundred passed. It appears now, in the memorial of the delegates of Massachusetts referred to, that, in 1823, there were 5000; and it is stated that 2,500, averaging 100 tons, would pass the canal in a year, immediately after this passage should be opened. Indeed, the saving of insurance would be such as to induce freighters to stipulate with masters of vessels that they should use the canal, or the preference given to those who did so would render it necessary that all should, for the saving in distance would be 200 hundred miles between New York and Boston, and still more in time, as one is a circuitous and the other a direct passage. Indeed, the masters of vessels would have other interests in it, the saving in *pilotage*, in *wages*, in wear and tear of their vessels. Mercantile men of the first intelligence calculate that 50,000 dollars would be annually saved in wages only. The saving in premiums of insurance would be a very great sum, as few coasters load between Boston and New-York with less value than 10,000 dollars, and often with cargoes of 100,000 dollars. Two thousand five hundred vessels of the average value of 20,000 dollars would be fifty millions of dollars, upon which a saving of one-half per cent. would be 250,000 dollars. It is evident, therefore, that owners could well afford to pay a toll for this facility and safety of passage.

It is scarcely necessary to remark, after the exposition of the commercial advantages of the passage described in the memorial, that the increasing intercourse between the northern and southern and western states, as their respective resources of wealth are developed, has given a consequence to this more immediate communication that it never before had attained; but which is equally appreciated by Connecticut, New-York, the middle and southern states, as by Massachusetts.

It remains, therefore, to designate the investigations, essential to be made, to form an estimate of the expense of this improvement.

1. The external or visible circumstances being known already, to ascertain the nature of the ground to the depth of the proposed excavation.
2. The nature and extent of the bar at the entrance of Back River.
3. The nature of the ground or bottom of Monument River, whereby, possibly, much excavation may be saved, compared with the route to Back River.
4. The proprietary of the soil; the mill-sites, and the pond; and all other property affected by the proposed work, and the dispositions of the owners.
5. A survey of Herring Pond and its outlet, with all the local circumstances connected with it, and its value, or history of its state within the memory of the neighboring people.
6. An inquiry whether any other sources of supply exist in this vicinity, and if so, lines of level run, to determine the practicability of their accession.

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Remarks on the Barnstable Harbor route.

The inquiry whether Barnstable Harbor, and Hiannis' roads, might not afford a preferable route of communication, having heretofore received some share of attention, the Board conceived it would be in accordance with the spirit of their commission to view this line. They accordingly visited Barnstable, and, accompanied by several gentlemen of that place, crossed the Dividing Ridge, about eighty feet above tide, and found the plain to the south beyond it, four miles to Hiannis' Harbor, apparently thirty feet above tide; returning by the line of ponds, which occupy a considerable part of the distance, they were not found to have any visible outlet, and would afford no supply for lockage; the circumstance of the existence of such high ground, and the more eastward situation of these places, considering the object of the two Governments, were conclusive. But while at Hiannis, some improvement in it as an anchorage, was pointed out, and may be worthy the attention of the Government at some future day.

It was suggested that the ground was low and favorable between Barnstable Harbor and Yarmouth Harbor; but the circumstance of the former being at the bottom of the bay, and it being, therefore, subject to the inconvenience of vessels having to beat out against a northwest wind, precluded further investigation, under the discretionary orders, and the limited time in our power to command, at the season of these remarks.

Massachusetts second route between Narragansett Bay and Boston Harbor.

The general import of the order of the Secretary of War, in regard to other routes than that of the bays already described, was understood to refer to one which had received the sanction of the Legislature, so far as a survey, at public expense, could designate it. Public opinion had, indeed, long held in view the connection of Boston Harbor with Narragansett Bay.

Since the establishment of a Navy Yard at Charlesown, as one of the principal depots, it has begun to be thought of national interest to connect it with Newport Harbor, which is the only one on the coast accessible with a northwest wind. Its approach being so safe, its entrance so immediate from the open sea, its position so defensible, that a communication with the harbor of Boston would, in time of war, be in effect to give extension to the power of that establishment. It would have two entrances far apart by sea, but be practically one, by this canal. The history of the late war has proved that it is no easy operation to blockade for any length of time either of these ports. American frigates sailed from them while squadrons were off; an obvious reason is, that an easterly gale compels them to haul off so sea, and a change to the west puts them at a distance and to leeward. A navy must, therefore, be far more efficiently equip at these ports than at any others. A ship entering Newport to refit would be supplied from the navy yard with every thing required in a short time; and instead of a passage round Nantucket Shoals, she would be equipt for sea again in almost as little time as it might have required to get well into port if she had made the coast in the latitude of Newport.

In a commercial point of view this communication will be also of value in time of war. The less vulnerable a nation makes herself in her domestic resources, the more powerful and independent in relation to other powers. The continued prosperity of the people at home will be felt in their strength to carry on war abroad. It is thought that Long Island Sound, as well as Chesapeake Bay, may be protected by active steam batteries. The Bay and Sound being kept free and open, this communication becomes a part of the chain extending from the seat of government in New Hampshire to the southern states, and ultimately to the western states.

The states contiguous to Massachusetts have an immediate interest in this improvement; by it their intercourse with the city of Boston would be by water carriage, and Connecticut would have the choice of the two great markets for all produce. Indeed the interior of the state of New York is not without an interest in this facility of communication, with a place already supplied circuitously with flour in some measure from thence.

The manufactories of iron and cotton in Rhode Island, and between that state and Boston, supply, at this time, a transportation estimated at forty thousand tons.

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The description of this route may be briefly made. The entrance of a canal in this place would be twelve miles from the navy yard; thence to the tide on Taunton River, twenty-four miles; thence, by sloop navigation to Newport, forty miles, the whole 76 miles.

Ascending the valley of Weymouth river, the summit ground at the distance of about ten miles, is found to be in Howard's meadow, 138 feet above high tide; from thence the country declines gently to the tide near the course of Taunton River. The supply of the canal will depend upon streams which issue from certain large ponds. Immediately on the proposed line we have Braintree Great Pond, but it is twenty-three feet five inches below the summit. It will be necessary to reduce the summit level to a conformity with this source of supply. It discharges, per second 25.14

Weymouth Great Pond, 507 acres, had at this time been drawn down by mills, and discharged only	2.50
Cranberry Brook	2.50
Trout Brook on the south, estimated	5.20
Feet,	35.14

But there are other ponds in this part of the country which are probably at such elevation as to co-operate with these. Those already mentioned are capable of being raised and made reservoirs. It is always safe and of certain effect to raise the surface of natural reservoirs. There is a rational probability that an increased pressure will not cause escapes to appear.

The general aspect of the ground was strikingly favorable to a canal, and the terminations of it may be easily made in deep water, so as to avoid waiting for tides.

The cursory view which the Board had only an opportunity of taking, left an impression of the great utility of this work, if it can be effectuated.

A general and thorough survey appears to be wanting, before this canal can be considered practicable on a scale a commensurate with the national purpose.

All which elucidations and explanations are most respectfully submitted, by

JNO. L. SULLIVAN,
Member Board Internal Improv.

LETTER FROM THE SECRETARY OF STATE,

Transmitting information in relation to the state of the Commercial Relations, (as they at present exist,) between the United States and the kingdom of the Netherlands.

DEPARTMENT OF STATE,
Washington, 10th Feb. 1825.

The Secretary of State, in obedience to a resolution of the House of Representatives, of the 21st of January last, directing him to communicate to that House any information he may have in this Department, "showing whether the duties levied on the tonnage of the vessels of the United States, entering the ports of the kingdom of the Netherlands, and on the merchandise with which they may be loaded, exceed those paid by the vessels belonging to the said kingdom," has the honor to submit to the House of Representatives copies of the correspondence in this Department, having relation to that subject.

Respectfully submitted,
JOHN QUINCY ADAMS.

LIST OF PAPERS.

No. 1. Mr. Everett to Mr. Adams, No. 102, 17th March, 1823, extracts—2. Same to Baron de Nagell, 7th March, 1823, copy—3. Same to Mr. Adams, No. 105, 1st June, 1823, extract—4. Baron de Nagell to Mr. Everett, 10th March, 1823, Translation—5. Same to same, 27th May, 1823, same—6. Mr. Everett to Baron de Nagell, 31st May, 1823, copy—7. Mr. Adams to Mr. Everett, 9th August, 1823, copy—8. Mr. Everett to Mr. Adams, No. 107, 11th Nov. 1823, copy—9. Same to Baron de Nagell, 5th Nov. 1823, copy—10. Same to Mr. Adams, No. 110, 21st Feb. 1824, copy—11. Same to Chevalier Reinhold, 20th Feb.

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the system. The act of 3d March, 1815, was an experimental offer, made to all the maritime nations; it was, in the course of the same year, accepted by great Britain, confirmed in the form of a convention. A similar effort was made with the Netherlands in 1817, but without success; but the principle of equalization was established by corresponding legislative acts.

The Hanseatic cities and Prussia, successively acceded to the same system, and, as well as the Netherlands, required an extension of the equalizing principle offered by the act of Congress of March 3, 1815, to merchandise of the growth, produce, or manufacture, of countries, other than that to which the vessel should belong; but, usually, first exported from thence. In conceding this extension of their first offer to the cities of Hamburg and Bremen, and to Prussia; after having yielded it to the Netherlands, Congress thought proper to fix a time for a deliberate revision of the whole system; and therefore limited the duration of all the laws relating to it, to the first of January, 1824. But neither Congress nor the Executive Government, have manifested any intention to abandon the system. The President has, on the contrary, more than once, expressed the favourable view in which it is considered by him, and particularly in his message to Congress, at the opening of the session, on the 3d December, 1821.

The whole subject will, undoubtedly, be one of the first objects of deliberation at the ensuing session of Congress. There is no reason to doubt that the existing equalization with regard to the Netherlands would be continued, but for the change which has been made on their part. A declaration from that Government that the discriminations against which you have made representations, have not been, and will not be, applicable to the United States, so long as the vessels of the Netherlands in the ports of the United States, shall continue to enjoy the equalization secured to them by the act of Congress of the 3d March, 1815, and 20th April, 1818, will supersede, without doubt, all change of the existing regulations here, favorable to the navigation of that country. It is very desirable that you should obtain such a declaration in time to forward it, so that it may be received here by the first Monday in December, when the session of Congress will commence, or as soon after as possible. The act of Congress on the revision of the system, will probably pass in the course of the month.

In the Baron de Nagell's note mention is made of three laws of the Netherlands, in relation to this subject, of the 12th of June, and 12th of July, 1821, and of the 10th of August, 1822. I will thank you to send me copies of all these acts, in French, and also of the law of the 26th of August, 1822, and of the new tariff.

I am, with great respect, Sir,
Your very humble and obedient serv't.
JOHN QUINCY ADAMS.

ALEXANDER H. EVERETT, Esq.
Charge d' Affaires U. S. to the Netherlands.

No. 8.
Mr. Everett to Mr. Adams—No. 107.
BRUSSELS, Nov. 11th, 1823.

SIR: Your despatches of the 8th and 9th August, which came under the same cover, were received on the first of November. Agreeably to your instructions, I immediately addressed notes to the Baron de Nagell upon the subjects of both copies of which are enclosed. I have requested an early answer respecting the discriminating duties but there is very little chance of obtaining it in time for it to be known at Washington before the new law is passed.

The laws of July 12, 1821, and August 26, 1822, are the only ones quoted by the Baron de Nag

in his note of May 27. The appearance of a different date in one of the passages, in which they are alluded to, arose from an accidental error of the clerk in the original note, which, it seems, was retained in the hurry of writing, in my copies. The beginning of the fifth paragraph should read *D'après les lois du 12 Juillet, 1821, et 26 Aout dernier*, instead of *D'après les lois du 12 Juin, 1821, et 10 Aout dernier*. The law of the 12th of July, and the tariff of the 26th of August, were transmitted to the Department about the time of their adoption, viz: the former with my despatch, No. 80, and the latter with my letter, marked "private No. 13." The general law of the 26th of August was not sent with the tariff, not being then in print. I have now the honor of sending you copies of both, bound together in a volume. I have made inquiry for the law of July 12, but have not yet been able to procure it; and the copy I have on hand, is bound up in a volume with several other documents that would be useless at the Department. As soon as I can obtain a copy, I shall certainly transmit it to you. In the mean time, if you should have occasion to consult this law, you may, perhaps, find upon the files the copy which was sent before. It is, however, a mere statement of general principles preliminary to the laws of August 26, 1822, and contains no regulations whatever, intended for immediate practical effect.

You will observe, that, beside the general drawback of ten per cent. in favor of national vessels there are discriminations to a similar effect upon several separate articles. The principal of these are tea, coffee, and sugar. The duty on teas is raised by the present tariff; but the discrimination has existed since the year 1817, and does not appear to have been considered as inconsistent with the equalising system, probably because the article is not of the growth of the United States. The discrimination in regard to coffee, established by the general law, article 5, sec. 9, is new; but being in favor of the national colonial trade, is not, perhaps, a fair subject of complaint. The additional duty on sugar, imported in foreign vessels, is, however, a direct violation of the equalising system; as are, also, those upon one or two other articles of less importance, such as salt, molasses, and wood for building, which, with the three mentioned above, are the only ones in which I have noticed any special discrimination.

A decree has lately been published, offering bounty of eight florins per ton, on all ships of above three hundred tons burden, built within the country for three years to come. This regulation, which is intended to encourage the building of national ships, and not the trade in such ships after they are built, is, of course, no violation of the equalising system. I have thought, since this decree made its appearance, that a bounty of the kind, must have been intended by the Baron de Nagell in his note of May 27; as the distinction between the effect of a bounty on transportation of national ships, and a formal discrimination in the duties, seems to be really too absurd to be taken in earnest by any man of common sense. If the

Baron meant by his *prime d'encouragement*, a bounty on ship building, it is true, as he says, that such a bounty would form no subject of complaint: but this fact does not strengthen his argument, because such a bounty has no analogy whatever to the drawback on goods imported in national ships. I should perhaps, have introduced this idea in my note the 5th, but I had written and transmitted it before the decree was in print.

I have the honor to be, with high respect, sir,
Your most obed't. and very humble serv'
A. H. EVERET

22. Hon. JOHN QUINCY ADAMS,
Secretary of State.

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No. 9.

Mr. Everett to the Baron de Nagell.
BRUSSELS, Nov. 5, 18

...to inform your Ex

SIR: I have the honor to inform your Excellency that I have just received the instructions of my Government, in regard to the subjects treated of in my note of the 7th of last March. I am directed to communicate to you, for the information of His Majesty, the President's views respecting that affair.

My object in the note just mentioned, was to remonstrate against certain parts of the new financial law, which appeared to me to infringe the system of impartiality, that has formed for some time past the basis of the commercial relations between the United States and the Netherlands; and, I specified, particularly, the tenth article of the law of the 20th August, 1822, which establishes a drawback of ten per cent. of the whole amount of duties in favor of goods imported in Dutch vessels. Your Excellency did me the honor to state in reply, in your note of the 27th of May, that these distinctions were justifiable on the ground of their patriotic design, which was no other than to afford a suitable encouragement to the shipping of the country. You remarked, that a drawback in favor of the citizen, was not equivalent in principle, to a formal discrimination against foreigners, but rather to a bounty—a measure not inconsistent, in the view of His Majesty's Government, with a system of perfect impartiality between citizens and foreigners; and you added in conclusion, that, supposing the article in question to be really inconsistent with such a system, the Government of the United States would still possess no right to demand their repeal, inasmuch as they had already, by their act of March 3, 1819, revoked their own former laws in favor of the commerce of the Netherlands.

As your Excellency insisted a good deal upon this last point, and expressed some surprise that I had not alluded in my note to this act of 1815, I thought it my duty to inform you at the time, my answer of May 31, that the law in question was intended merely to determine the period within which the subject should be taken up again in Congress, and that the Government of the United States had no design of abandoning the established system. I added, that the distinction pointed out by your Excellency, between the different modes of favoring the shipping of a country, did not appear to me to be strictly just, and that, if foreigners really paid ten per cent, more than subjects, it was of little importance to them, whether they did it in one form or another. Confining myself to these remarks; I referred the matter to my Government for decision, and transmitted to Washington the correspondence that had passed.

I have now the honor of informing your Excellency, by direction of the President, that he has learned with much regret, the intention of His Majesty's Government to alter the liberal system which has been in force for some time past, and which was considered as beneficial to both parties and conformable to their general principles of administration.

As to the reasoning, by which your Excellency justifies this change, in your note of the 27th March, my Government confirms, in general, the remarks which I had made in reply to it, in my communication of the 31st of the same month. The President cannot admit the correctness of the distinction between the effect of a bounty or drawback, and that of a formal discrimination. He thinks, on the contrary, that impartiality is at stake whenever the foreigner finds himself in any way less advantageously situated than the native; and is rather surprised, that the Government of the Netherlands should question a principle which appears so perfectly evident. And, as your Excellency

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lency seems to have taken it for granted, that the Government of the United States would not have considered a bounty on the transportation of goods in Dutch vessels, as any violation of the equalising system, I am authorized to assure you explicitly, that, in the view of the American Government, such a measure would be entirely inadmissible, being equivalent in principle, as it is in effect, to a formal discrimination.

The patriotic intention of his majesty's Government, in adopting these measures, is highly honorable to the character of the king and his ministers; but cannot, certainly, be understood to reconcile contraries, or to prove that discriminations in favor of native citizens are consistent with a system of impartiality between citizen and foreigner. The encouragement of the national industry is, doubtless, with enlightened governments, the principal object of all commercial regulations; and, in seeking to effect this object, each government adopts the policy which appears to suit best with its particular position. Some nations attempt to include the competition of foreigners, by [placing] them higher than citizens', and by granting bounties to the latter; while others, on the contrary, endeavor to make their dominion the marts of general commerce, and hold out every possible inducement to foreigners to frequent their ports. This latter policy was formerly preferred in the Netherlands, at the time when Bourges, Antwerp, and Amsterdam figured, in succession, with so much brilliancy, at the head of the industry and commerce in Europe: and it seems, in fact, to agree very well with the situation of a country of limited extent and dense population—watered by numerous rivers, that connect it with the more productive parts of Europe, and embosomed in seas that afford an easy intercourse with all the rest of the world. Both these systems, however, have their peculiar advantages; and each supposes alike, on the part of the administration, the intention to encourage national industry, and promote the public good. But, were it even admitted that the exclusive policy were more advantageous, and, consequently, more patriotic than the liberal one, it would still be not less certain that the two are essentially different; and that partial measures, however patriotic they may be, can never be impartial. Your Excellency remarks, in your note of the 27th of May, that the bounties and drawbacks allowed to the subjects of the Netherlands, furnish the American Government with no just ground of complaint, because these measures are intended to protect and encourage the shipping of the country. But however just and laudable this design may be, in itself, the partial measures adopted in pursuance of it are, unquestionably, fair subjects of complaint with any foreign nation which has a valid claim to be treated on a footing of impartiality.

Having submitted to your excellency, by order of my Government, these additional observations upon the first part of your note of the 27th May, I am directed to remark further, that the President is disposed to believe and to hope that the change of system which has taken place, has been owing, chiefly, to a misunderstanding of the act of March 3, 1819. In regard to this point, I am now authorized to assure you, explicitly, in the name of my Government, as I have done before in my own, that the object of the act was, simply, to fix a time when the subject should be re-considered in Congress, and that the Government has no intention, whatever, to abandon the system. The acts and negotiations that have taken place, since its adoption, and the messages addressed, by the President, to Congress, in particular that of December, 1821, attest the steady disposition of the administration, in all its branches, to maintain this course. The laws, which expire at the end of the year, will be

doubtless re-enacted, with such modifications as may appear expedient: and if one of these modifications should be the omission of the name of the Netherlands from the list of privileged nations, the change will be owing, entirely, to the new regulations contained in the Dutch law, of August 26, 1822.

The American Government is, however, inclined to hope, that this retaliatory measure will not be necessary; and that, if the act of March 3, 1819, has been explained to the satisfaction of his Majesty, he will re-consider the provisional decision, announced in your Excellency's note, of the 31st of May, and restore to the American trade the privileges which it has heretofore enjoyed. Should this be the case, I will thank your Excellency to give me as early information of the fact as may be convenient, that I may transmit it immediately to Washington. The subject will, probably, be taken up in Congress before the close of the year; and it is desirable that the king's final decision should be known previously to the passage of the new law.

Your Excellency will permit me to remark, in conclusion, that the privilege enjoyed by the Dutch flag, of covering the products of Germany and Switzerland, has, also, been extended to the flags of Prussia and the Hanse Towns. As the ports of the Netherlands are more conveniently situated for shipping these products to the United States, it is believed that the greater part of this commerce now takes that direction. If, however, the privilege in question, should be revoked, as respects the Netherlands, and continued to the other above-mentioned powers, there would then be an advantage of ten per cent. in conveying the products of the interior of Europe to the United States, through the ports of Prussia and the Hanse Towns, rather than those of this country: and this difference, in the present state of commerce, would decide the preference. The subjects of the Netherlands will, therefore, lose, by the effects of the new system, not only a considerable advantage in the carriage of their own products, but the profits of a pretty important and lucrative branch of trade which they must now nearly monopolize.

I have the honor to be, with high respect, sir,

Your Excellency's very obedient servant,

A. H. EVERETT.

No. 10.

Mr. Everett to Mr. Adams.—(No. 110.)

BRUSSELS, FEB. 21, 1824.

SIR: I learn from the public papers that a new law has been enacted on the subject of the discriminating duties, and presume that I shall receive a copy of it from you, with instructions to communicate it to this Government. But, as the time of my departure is now pretty near, I thought it advisable, in order to give them an opportunity to deliberate upon the matter before I go, not to wait for this, but to address a note at once to the Minister of Foreign Affairs. I have accordingly sent one, of which I have the honor to enclose a copy. If I should hereafter receive any orders from you upon the subject, I shall give them, of course, the most punctual attention, and take any further measures that they may prescribe.

I have the honor to be, with high respect,

Sir, your very obedient humble servant,

A. H. EVERETT.

HON. JOHN QUINCY ADAMS,
Secretary of State.

FEBRUARY 24.

Postscript.—Since writing the above, I have received from Mr. Reinhold a preliminary answer to my note, of which I have the honor to add a copy.

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No. 11.

Mr. Everett to the *Chevalier de Reinhold*.

BRUSSELS, FEB. 20, 1824.

SIR: I have the honor to inform your Excellency that the privileges granted to the Dutch flag, in the ports of the United States, by the act of the 20th April, 1818, which expired at the close of the last year, have been renewed by the late law of January 9. As soon as I receive an authentic copy of the new act, I shall take the liberty of sending it to you. You will find in the Brussels Journal of the 16th inst. a French translation, which appears to be correct.

The passage of this law confirms the assurances which I gave to your predecessor, the Baron de Nagell, that the act of March 3, 1819, repealing that of April 20, 1818, was merely formal, and that the Government had no intention to abandon the system. The new act extends the privileges, granted by the former one, to all such foreign powers as may allow the same privileges to us in their ports, and for the same length of time. If any foreign power shall revoke these privileges, our law will cease to have its effect, in regard to such power. Hence, if the Government of the Netherlands shall so modify its new regulations as to make them inapplicable to the American trade, they will thereby retain the advantages they now enjoy in the ports of the Republic. If, on the contrary, they persist in putting these regulations in force against us, the President of the United States is authorized by the law to withdraw these privileges immediately, and to place the Dutch flag upon the footing of that of the least favored nations, by subjecting it to the additional duties that are levied upon foreigners.

As the principal cause, which appears to have occasioned the application of the new rules to the trade of the United States, no longer exists, the American Government have, perhaps, some right to flatter themselves that the effect will cease with it, and that the King will be disposed to continue, or rather to restore the equalizing system. Without entering now into the train of reasoning upon this subject which I have already pursued at sufficient length in my former notes, I shall content myself upon the present occasion with remarking, that the answer which I may carry to my Government, upon my return to the United States, will probably be regarded as final; and that it would give me great pleasure to be the bearer of one that should tend, by its character, to strengthen the bonds of amity and good understanding that now so happily unite the two countries.

I have the honor to be, with high respect, Sir your excellency's very obedient servant,

A. H. EVERETT.

No. 12.

[TRANSLATION.]

Mr. J. G. Reinhold to Mr. Everett.

SIR: I have taken care to communicate without delay to the Department of Public Industry, the note which you did me the honor to address to me on the 20th of this month, on the subject of the law of the 7th January, by which the Government of the U. S. has renewed the principal dispositions in favor of the commerce of the Netherlands, from that of the 20th April, 1818, expired on the 31st December last, except the modification, in what concerns the navigation of the Republic, of articles of the new system of impositions in the Netherlands, which establish discriminations against strangers.

I have likewise informed His Majesty, as well of the course which you are about to pursue, as of the consequence which I have provisionally given to it, and I shall not fail, sir, to inform you of the deter-

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mination which shall be taken in that regard, as soon as I shall be informed of it.

In the mean time, I take this occasion, sir, to renew to you the assurance of my very distinguished consideration.

J. G. REINHOLD.

HAGUE, 20th February, 1824.

No. 13.

Extract of letter from Mr. Everett to Mr. Adams, (No. 111,) dated

BRUSSELS, 23d March, 1824.

"A file of the *Intelligencer* came to hand a few days ago, which contained the new law respecting the discriminating duties. I immediately transmitted a copy of it to the Minister of Foreign Affairs, accompanied by a short note, of which I have the honor to enclose a copy."

No. 14.

Mr. Everett to the Chevalier de Reinhold.

BRUSSELS, March, 22, 1824.

SIR: I have the honor to transmit herewith to your Excellency, a copy of the new law mentioned in my note of the 20th of February. You will perceive that it secures all the privileges granted to the Dutch flag by the act of April 20, 1818, and particularly that of transporting to the United States, upon a footing of equality, the products of the interior of Europe. This provision was, I believe, omitted in the French translation of the act, published by the Brussels Journal.

I have had occasion, in several preceding notes, to offer to the consideration of His Majesty's Government such remarks as I thought would place the subject in its proper light: and I deem it unnecessary to renew the discussion at present. Requesting your Excellency to communicate the enclosed law to His Majesty the King,

I have the honor to be, with high respect, Sir, your Excellency's very obedient servant.

A. H. EVERETT.

MEMORIAL OF JOHN OWENS,

OF BALTIMORE,

The Inventor and Patentee of a certain machine, therein described; praying the purchase of it by Congress.

To the Senate and House of Representatives of the United States of America, in Congress assembled.

The memorial of John Owens, of the city of Baltimore, in the state of Maryland, most respectfully represents:

That he hath invented a machine, for which letters patent have been granted to him by the Government of the United States.

That this machine, in consequence of the simplicity of construction and cheapness of materials of which it may be made, and the great ease and facility with which it may be constructed, used, and the inventor deprived of those advantages which the laws of his country, for the encouragement and protection of new and useful inventions, have been wisely and justly intended to guarantee, has, connected with it, circumstances and considerations which apply to but few inventions for which patents have been allowed.

Were he to forget that a native American owed to his country feelings of devoted patriotism, which he has humbly conceived may be manifested by the artisan or the studious and indefatigable inventor, although a private citizen, in as great a degree, comparatively, as by the statesman, or the naval or military hero; he would reserve to himself a monopoly of the advantages to be derived from the use of this machine over the whole face of our wide spread territory; and, clothing himself with the authority vested in him by law, spread ruin among those who would dare infringe on his exclusive right by making or using the invention, and thereby render it not only unnecessary, but disad-

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vantageous to him, to tender his machine, with all the solicitude of sleepless nights, and persevering labors by day, to that country through the present enlightened and patriotic National Legislature.

He wishes not to avail himself of such monopoly, but justice to himself and his family, with an imperative tone, demands that he should ask, at the hands of his country, not an equivalent for giving to the public this extensively useful discovery, for, to make a just estimate of such equivalent, it would be necessary to take into view the immense saving to that public, in time, labor, and expense, which would be effected by the use of this machine, during his life, or at least for the period of fourteen years, the limitation of his patent, should the same not be renewed, which saving would, without doubt, amount to many millions of dollars, but merely a reasonable remuneration for relinquishing his right to the Government.

There being a minute description of this machine attached to his letters patent, which will, if deemed necessary, be submitted to Congress, or to a committee of either of the honorable Houses thereof, should this memorial be favored by receiving such direction, the memorialist will forbear repeating a tedious recital, and content himself by making a few observations on the general and particular utility of the invention.

The machine may be made as a cart with two, or a wagon with four wheels; when used in removing earth, sand, small stones, or mud, there will be one or two scoops with levers used in loading, and a falling bottom in unloading, so that the whole operation may be completed in a few minutes, with great ease; when large stones or timber are to be removed, the scoops are detached and grapples are suspended from the lever, by means of which, the object which would otherwise require great labor and consume much time in removing, is placed without difficulty on the wagon, and when removed to the place intended for its deposit, with less exertion unloaded.

Your humble memorialist will be excused from presuming to offer an opinion on the expediency or inexpediency of improving and facilitating the means of communication from one part of the country to the other, under the authority of the General Government, as the successful or advantageous use of his machine does not at all depend upon the result of deliberation upon the subject. It must and will be used on roads and canals under the authority of the respective states, or by companies of individuals associated for the purpose of internal improvement in those states, or in the territories.

It will not be denied that immense quantities of earth may be removed by means of this machine, in a short time, and with little labor, either in the way of making roads by cutting down hills and filling up valleys, or low grounds, and levelling fields, in excavating canals, in making embankments, and in time of war, in throwing up entrenchments, which are often necessary to be effected in a few moments' warning.

In presenting to the public a new invention, very many prejudices, which the want of intellectual culture, or a disinclination to admit the just claims to a primary discovery, arise; your memorialist must, however, candidly say, that he is not now aware of the existence of any such prejudice or unmanly jealousy towards himself or the machine; although, from the simplicity of its construction, and the power of its operation, many have fancied that such a combination of parts as is presented therein, could not have remained undiscovered or unapplied, to this late day, and some, no doubt, reluctantly assent to the belief that this is a new invention; and, it is not until indubitable proof, and a comparison of the thing itself, with that which they supposed so nearly approached it, has

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been made, that they have been satisfied of its novelty.

This feeling would, no doubt, exist, wherever interest and a desire to improve the rough face of nature prevailed; and where, your memorialist humbly inquires, is the village, the town, the state, or the country, in which a combination of these feelings does not exist? In proportion, therefore, to thousands of instances where injustice would be done him, and the laws relative to patent rights violated, would be the number of lawsuits or prosecutions which his interest or undoubted right would compel him reluctantly to commence. But, after all the vigilance he might use, by means of numerous agents and ample rewards, he would, from the remote situations of those parts of the country where this machine would be most useful, be entirely unable to shield himself from injury; and he will be permitted here candidly to say, that this would be a contest most painful in its nature to your memorialist, for it would be no less than that of private interest, in direct opposition to the public good, and it would place him, very frequently and unjustly, in situations by no means to be envied; for he would, no doubt, be viewed as a monster, making every exertion to stay the hand of his country in making internal improvement, should he, by prosecuting impostors, arrest the progress of even one of these machines for a time.

Your memorialist believes that he is not the first to offer a patent right of an invention to the Government in the manner he proposes, as such a right has heretofore been purchased by the United States; and he presumes to say, that in no case, have there been more or stronger reasons for such purchase than in the present.

Although your memorialist, as he has before observed, would, no doubt, receive the benefit resulting from the multiplication of these machines on all the principal highways and canals, to be made throughout the country, for at least fourteen years, which benefit would be immense, his desire to see it the property of the nation, and given up to the free use of all states, corporations, and citizens, would compel him to forego the more ambitious course, and relinquish all his right, title, and interest in the invention to the Government of his country, for a moderate and reasonable consideration.

Your memorialist therefore prays, that the honorable Body to whom he has the privilege of addressing himself, will take his case into their consideration, and adopt such a course in the premises as to their wisdom, their love of country, and their high sense of justice, may meet, and he will ever pray.

JOHN OWENS.

Washington City, Feb. 14, 1825.

LETTER FROM GOVERNOR CASS,

OF MICHIGAN,

On the advantage of purchasing the country upon Lake Superior where Copper has been found: addressed to the Hon. Thomas H. Benton, of the Senate.

DETROIT, November 21, 1824.

DEAR SIR: In conformity with your request, I shall proceed to state the advantages which would attend the purchase by the United States of the country upon Lake Superior, where copper has been found.

Since I had last the honour to address you upon this subject, further researches have been made, under the direction of Mr. Schoolcraft, which have resulted in a conviction, that that district of country is richer in mineral productions than has been probably visit Washington during the winter, he will heretofore supposed. Mr. Schoolcraft has promised to communicate to you such information respecting this subject, as is in his possession; and, as he will

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be able to satisfy any inquiries you may be disposed to make.

The Indian population is very thinly scattered upon the southern shore of Lake Superior. Along the whole line of coast, from the Saulte St. Marie to the Fond du Lac, no article of food is raised by them. They depend for their support principally upon the fish, and partially upon the scanty supply of game, which is furnished by that inhospitable country.

The metalliferous region is upon and about the Lake shore, and the extinction of the Indian title to such a portion of it, as may be deemed advantageous, would not diminish their means of subsistence. But I still think, as I thought originally, that it would be most proper to negotiate with them for the right to explore the country, and carry on mining operations, wherever appearances may promise the most productive result. But little would be gained by an attempt to push permanent settlements into those regions. And this is all that we could promise ourselves from an absolute extinction of title. All the advantages we could expect to derive from the mineral riches of the country, would be gained by the right to procure and take away any portion of them. The injury to be anticipated from a cession to the United States is, that the laws regulating trade and intercourse with the Indians would cease to operate, and embarrassments might be produced by the establishment of traders not subject to the present wholesome restraints of the law.

No calculation can be made of the extent and pecuniary value of these copper mines. No doubt is entertained but that the metal may be procured with as much ease as in any part of the world. In fact, it is well known, that large masses of pure malleable copper have been discovered in different parts of the country: and there is every reason to believe, that, when those regions are fully explored, these masses will be found to be still more abundant.

The return transportation from the Saulte St. Marie to Buffalo, is, and must continue to be, low. The freight is principally up the Lakes, and there are few articles which that portion of country produces for exportation. Vessels, therefore, generally return wholly or partially empty.

The cost of making the purchase I have described, may be kept within the sum of ten thousand dollars, and full justice be done to the Indians interested. It might, I doubt not, be made for a much less sum, were it consonant to the principles or policy of the Government to procure cessions from the Indians at the lowest possible rate. But it is due to the character of our country, and to the feelings of our citizens, that, in our negotiations with these wretched people, we should remember our own strength and wealth, and their weakness and poverty. That we should look back upon what they have lost, and we have gained, and never forget the great moral debt we owe them.

Apart from any views connected with the cession I have mentioned, there are other considerations which render it proper that a negotiation should be opened with the Lake Superior Indians. That you may understand fully the situation and feelings of these Indians, I enclose the copy of a letter addressed by me to the War Department. As the transmission of it is not strictly in conformity with official etiquette, I must commit it to your discretion.

It is probable, that the convocation of the Chipewa Chiefs of the Lake Superior country to a council, at some proper point upon the Lake shore, would supersede the employment of other and harsher measures. Such explanations and representations might be made, as would satisfy them of the necessity of surrendering the perpetrators of the late outrages, and of restraining their people from the commission of similar acts in future. We must either persuade or compel them to do us justice, and much is gained for the great cause of humanity,

by the adoption of the former rather than the latter course.

Very respectfully, I am, Sir,

Your obedient servant,

LEW. CASS.

Hon. THOMAS H. BENTON,
Senator in Congress, Washington.

SIGNAL FLAGS FOR PILOTS.

DEPARTMENT OF STATE,
9th May, 1825.

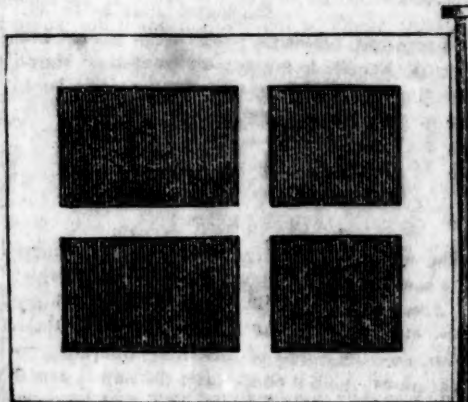
Mr. LEDERER, Consul General from Austria, has recently communicated to this Department the drawing, of which a description is given below, of the flag used by the vessels of Austria, as a signal for pilots. To be displayed on the foremast of such vessels.



Viz: Three stripes, red, white and red, surrounded by a yellow border: arms in the centre; crown on the upper red stripe.

DEPARTMENT OF STATE,
9th May, 1825.

Mr. PEDERSEN, Minister Resident from Denmark, has recently communicated to this Department the drawing, of which a description is given below, of the flag used by the vessels of Denmark, as a signal for pilots. To be displayed on either mast of such vessels, where it may be best seen.



Viz: A red flag, quartered on a white field.

REPORT OF THE COMMITTEE

ON NAVAL AFFAIRS,

Upon the subject of Piracy, accompanied with a Bill providing additional means for the Suppression of Piracy.

JAN. 11, 1825.

The Committee on Naval Affairs, to whom was referred a resolution of the House of Representatives, of the 9th of December, instructing them to inquire into the expediency of providing an additional naval force, and other additional means for the suppression of piracy, respectfully

REPORT: That they have had the subjects proposed in the said resolution under their consideration, and have made dili-

gent inquiry into the operations of our naval force, which, for the last two years, has been employed in the Gulf of Mexico, for the protection of our commerce and the suppression of piracy. In this investigation they feel a satisfaction in stating, that the means employed have displayed the vigilance of the Government, and the activity, zeal, and devotion of the officers and seamen who have been assigned to that perilous service; perilous, not from the numbers or courage of the enemy, but from the deleterious effects of a tropical climate upon natives of a more temperate region. The vessels procured for this service were better adapted to a short expedition than to long and tedious cruises. They were too small to afford the room necessary to preserve the discipline and the health of the officers and seamen assigned to them; yet, they enabled the Commander to scour the coast, to penetrate into the shoal waters of the creeks and inlets, to the very margin of the land; and, in effect, the pirates have literally been driven from the ocean, and confined to their fastnesses and haunts upon the land. Accordingly, their principal depredations, for the last twelve or fifteen months, have been confined to occasional sallies in boats and small craft, within one or two leagues of the shore. While these depredations, however, have been more limited in extent and in number, they have more frequently been attended with the most desperate and sanguinary destruction of the lives of the unfortunate victims.

It becomes necessary for the Government to adapt the force to the existing character of the evil; and the committee are of opinion, that the best species of force which can be employed in future, while the piracies are confined to small craft, are the boats and launches which are attached to larger vessels. Sloops of war of the largest class may be well provided with launches and boats, of which several might be constantly employed in ferreting out these marauders, and bringing them to condign punishment.

But the committee are of opinion, that, though the addition of three or four sloops to our West India squadron, might by constant vigilance, afford great additional security to our commerce and those engaged in it, yet they have reflected, that these plunderers easily transfer themselves from one island to another; and, when effectually hunted from one of their haunts, they are speedily found in parts where the unarmed trader, having no protection or means of defence, becomes an easy prey. They have, also, recurred to several instances, where a resolute resistance by a small crew of intrepid seamen has repelled the assailants, even when the disparity of force might have been expected to produce a different issue. From which it is manifest, that those wretches, who assume the vocation of pirates, are as dastardly as they are cruel, and may be generally repelled by a well armed crew, though not much exceeding the usual complement of the vessel.

The opinion has been expressed in some of the memorials of our principal cities, that the permission to the merchants to prepare a suitable armament for their defence, would be embraced at least to a sufficient extent to deter, in many instances, the attacks of boats from the shore, or to repel the foe in case he should attempt to carry by boarding. The committee believe, that, if a considerable number of trading vessels should provide themselves for resistance, and a few instances of successful resistance should be the consequence, the effect would be highly salutary, and would greatly discourage these banditti, by rendering their vocation dangerous and fruitless. They are aware that the commerce of the West Indies is attended with too small profit to warrant any considerable increase of expense to the merchants and owners of vessels; and as the protection of trade is the duty of the Government, as well as required for the prosperity of our revenue and general resources, they therefore deem it sound policy to rely upon this measure, merely as auxiliary to the most energetic efforts; and to the ample means placed at the disposal of the Executive.

The committee have not overlooked the notorious fact, that the local authorities of the West India islands, particularly those of Cuba and Porto Rico, have afforded shelter and protection to the pirates, and have given a character of boldness to their enterprises, which it may be impossible wholly to repress without resorting to measures which may induce those authorities to unite their means in earnest in the extirpation of these foes of the human race. Whatever may be the personal feelings of some of the local Governors, they may, perhaps, find it difficult to restrain the cupidity by which a great portion of the community are so completely demoralized. In the island of Porto Rico, a species of legalized plunder has been for several years tolerated, if not encouraged, by the chiefs of the island, which, if not so sanguinary as in other cases, has, in other respects, differed but little from ordinary piracy. It belongs rather to the duty of another committee to devise means suitable to meet an exigency so singular, and, at the same time, demanding the most prompt and vigorous measures.

While the utmost circumspection should be employed in maintaining the rights and dignities of our country, not to violate those of other nations, it cannot be denied, that a scrupulous adherence to the letter of national law, in regard to the territories under the nominal jurisdiction of a nation remote from the scene of action, distracted and feeble at home, and scarcely felt or feared in her remote islands and colonies, must amount to an indefinite denial of redress to our own citizens; must embolden injustice and violence, and impede or frustrate the most vigorous efforts of our naval force in the protection of our commerce against such an unlawful combination of local jurisdiction and desperate outlaws.

The committee forbear to indicate the course which alone remains to remedy these outrages upon our rights and our dignity, not doubting that, from another source, we may soon see submitted, a plan which comports with our justice and moderation, as well as with our interest and security.

They respectfully submit a bill in conformity with these views, for the consideration of the House.

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1824, copy.—12. Chevalier Reinhold to Mr. Everett, 20th Feb. 1824, Translated.—13. Mr. Everett to Mr. Adams, No. 111, 23d March, 1824, extract.—14. Same to Chevalier Reinhold, 22d March, 1824, copy.

No. 1.

Extracts of a letter (No. 102) from Mr. Everett, to Mr. Adams, dated

BRUSSELS, 17th March, 1823.

"I have the honor to enclose copies of two notes, which I have lately had occasion to address to Baron de Nagell, and of his answer to them."

"The reply to my application in regard to the difference in the duties imposed upon goods imported in national and foreign vessels, is merely an acknowledgment of the receipt of the note. As the principal object of the new financial system is to encourage the commerce and navigation of this country, it is perhaps hardly to be expected that the exception which I have suggested in favor of the United States, will be admitted. If it is not, a partial repeal of the law of the 20th of April 1818, will probably be thought necessary. But, as this measure cannot be taken till the meeting of the next Congress, there will be ample time in the interval to receive the definitive answer of this Government."

"A separate discriminating duty in favor of national vessels has also been imposed, since the commencement of this year, upon the importation of coffee from Batavia, which is to be in force until the end of 1824."

No. 2.

Mr. Everett to the Baron de Nagell.

BRUSSELS, March 7, 1823.

SIR: The new Tariff, which has recently gone into operation, contains several articles affecting the commercial relations between this country and the United States. I think it my duty to invite your Excellency's attention to these articles, and to point out the manner in which they will operate upon the American trade.

Your Excellency will recollect, that the government of the United States, by the law of the 20th of April, 1818, extended to the ships of the Netherlands, arriving in the ports of the Republic, nearly the same privileges that are enjoyed by our own. They pay the same tonnage duty, and also the same duties on their cargoes, as far as these consist of articles, being of the growth or manufacture of the Netherlands, or of such neighboring countries as usually ship their products from the Dutch ports. These privileges were granted to the commerce of the Netherlands in consequence of the adoption, in this kingdom, of the law of October 3, 1816, which abolished the discriminating tonnage duty, and of the understanding that there was no other discriminating duties in force. If any change were to take place in the laws of this kingdom, in either of these respects, the natural consequence would be a corresponding change in those of the United States.

I regret to find that the new financial system appears to contemplate some important alterations of this description. Several articles of the tariff establish a difference of duties in favor of goods imported in Dutch vessels: and the law of the 26th August, 1822, creates, in the form of a drawback, a general discrimination to the same effect; the tenth article being as follows: *One tenth of the duties paid upon the importation, or exportation, of all goods, shall be returned when the same are imported, or exported, in Dutch vessels, excepting those articles, of which the importation and exportation in Dutch vessels, are otherwise specifically favored by the tariff.*

It has always been the wish of the government

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of the United States, to lend its aid in placing the commerce of the world upon the most liberal footing. With this view, it was proposed to all the powers of Europe, soon after the close of the late wars, to abolish, mutually, all discriminating duties on tonnage; and the proposition having been, in substance, accepted by the Government of the Netherlands, the arrangement took effect between the two countries. As it was also understood that no other discriminating duties existed, a similar regulation was established in favor of goods imported, in Dutch vessels, into the United States. It is obvious, however, that these privileges cannot be continued upon any other principle than that of reciprocity. It would not suit, either with the honor or interest of the United States, that the merchants of the Netherlands should enjoy, in our ports, the same advantages with native citizens, while our merchants were subjected, in this country, to unfavorable discriminations. If this government is resolved to abandon the equalizing system, which led to the enactment of our law of April 20, 1818, the immediate and necessary consequence will be, the repeal of that law, as far as it applies to the vessels of the Netherlands.

I must, therefore, take the liberty of requesting your Excellency to inform me, whether it is the intention of the government of this country, that the new principles, introduced by the late tariff, shall be applied to the American trade. The government of the United States has no wish to interpose, in any way, with the policy of the Netherlands; and has never sought, or accepted, exclusive or onerous commercial advantages in the ports of any nation. The liberal system which has lately prevailed, in the intercourse between the two countries, was regarded as mutually beneficial, and as conformable to the general spirit of the administration of both. I assure your Excellency, that my government would regret to find itself compelled to depart from this system; and I venture to hope that you will furnish me with such explanations as may show that a measure of that kind will not be necessary.

I have the honor to be, with high respect, Sir,
Your Excellency's ob't. serv't.

A. H. EVERETT.

No. 3.

Extract of a letter (No. 105) from Mr. Everett to Mr. Adams, dated,

BRUSSELS, June 1, 1823.

"I transmit, herewith, copies of an answer from Baron de Nagell, to my note of the 7th of March, respecting the discriminating duty established by the new provincial system, and of my reply."

No. 4.

Baron de Nagell to Mr. Everett.

[TRANSLATION.]

The undersigned, Minister of Foreign Affairs, being eager to lay before the King the note which Mr. Everett, Charge d' Affaires of the United States of America, sent him, of the 7th of this month, has the honor of informing him, that the observations which it contains on the new system of imposts of the kingdom of the Netherlands, as far as it applies to the commerce of the United States, shall be immediately taken into grave consideration.

The undersigned flatters himself with being shortly enabled to give to Mr. Everett the desired explanations on this subject, and embraces this occasion to renew to him the assurance of his distinguished consideration.

A. W. C. de NAGELL.

Brussels, 10th March. 1823.

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No. 5.

Baron de Nagell to Mr. Everett

[TRANSLATION.]

The new system of duties introduced in the Kingdom of the Netherlands, having naturally appeared to the Government of the United States of America to produce a change in the commercial relations between the two countries, Mr. Everett had thought it his duty to demand, by the note which he had done him the honor of addressing to the undersigned Minister of Foreign Affairs on the 7th of March last, explanations proper to tranquilize in this regard the Government of the United States, or to direct its future conduct.

The King has just authorized the undersigned to give here the explanations desired.

The 10th article of the law which precedes the new tariff of duties of entry and clearance, is the argument upon which Mr. Everett founds his representations. This article grants a drawback of ten per cent. of the duties on merchandise imported or exported by the vessels of the Netherlands; now, as, by an act of Congress of the United States of the 20th April, 1818, all difference of treatment between the ships of the Netherlands and America has been abolished, founded upon this, that in the kingdom of the Netherlands the flag of the United States enjoyed the same advantages as the national flag; the new disposition of the tariff appears to Mr. Everett to be in opposition to the principle of reciprocity.

The answer is found in the aim of this disposition, which does not appear to have been well understood.

By the laws of the 12th June, 1821, and the 10th August last, the duties remain, without distinction, the same for foreign ships and for national. This restitution of a tenth for the merchandise imported by the ships of the Netherlands, has done no more (as the 11th article of the law of the 12th July, 1821, expresses it) than to give encouragement and proper aid to the works of the nation. This restitution therefore supplies the place of the premiums of encouragement which the Government might have granted to every ship built in the Netherlands; a disposition which certainly never could have given room to the American Government to complain of an inequality of treatment in respect to the ships. If the government of the United States had found it good to grant a similar premium to the American ships, surely the King could have found in that no cause of remonstrance. His Majesty would have only seen in it a bounty intended to encourage, or to favor, the manufactures of the nation.

Although the Government of the Netherlands might confine itself to this explanation, the undersigned has, nevertheless, been charged to take advantage of this occasion to examine the question more thoroughly. In approaching it with frankness, it will be easy to find, in the conduct of the United States, the justification of what is charged upon the Government of the Netherlands.

After the negotiations begun at the Hague, by the respective Commissioners for a treaty of commerce, were interrupted, the act of Congress of 20th April, 1818, was passed. In the course of these negotiations, observation was made to the American Commissioners of the liberality of the Government of the Netherlands in its relations with America, and an attempt was made to convince them that at all times the American flag had been more favored here than the flag of the Netherlands had been in America.

Such are apparently the reports of the American Plenipotentiaries, as well as the representations of the Charge d' Affaires of His Majesty at Washington, which produced this act of the 20th April,

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1818, by which that of 3d March, 1815, concerning the general, but conditional abolition of *discriminating* duties has been rendered applicable, and even amplified, to the flag of the Netherlands. As long as this state of things exists, the explanations demanded in the official letter of Mr. Everett may appear proper.

But can Mr. Everett be ignorant that his Government is upon the point of revoking the prolongation of these advantages? and that an act of the 3d March, 1819, decrees that the two acts before cited (that of 3d March, 1815, and of 20th April, 1818,) shall cease to be in force at the date of 1st January, 1824? and that, in consequence, the equalization of duties of entry and clearance, and the duties of tonnage of vessels under the flag of the Netherlands, in the different ports of the United States, will no more continue after that time? His note would cause the presumption that he had no knowledge of it; otherwise, we may be allowed to believe that he would not have addressed it. It is, doubtless, a matter of surprise, that he has not been informed of a disposition which so essentially changes the state of affairs; but, although it do not belong to this article, it is sufficient that it is impossible for the Government of the Netherlands to call in question the existence of this revocation, for having a ground upon which the commercial relations with the United States are to be found, and to know which of the two Governments has made the commencement.

The discussion of the causes which can have determined the American Government to revoke, from the beginning of the following session of Congress, the act of 20th April 1818, is unknown to the Government of the Netherlands. No conjecture will be permitted, if the measure, in place of being specially directed against the commerce of the Netherlands, do not rather announce a complete alteration of system.

The deliberations of Congress in the Fall, will resolve this problem; but, in the mean time, the certain prospect of losing the advantages assured by the act beforementioned, to our commerce or to our navigation, alone serves as a sufficient cause for preventing the Government of the Netherlands from establishing any exception in the new tariff in favor of the American flag.

The undersigned has the honor to renew to Mr. Everett the assurance of his distinguished consideration.

A. W. C. de NAGELL.

Brussels, 27th May, 1823.

No. 6.

Mr. Everett to the Baron de Nagell.

BRUSSELS, May 31, 1823.

SIR: I have just received your Excellency's answer to the note which I had the honor of addressing to you on the 7th March, upon the subject of some of the provisions of the new tariff, and learn, with regret, from this communication, that it is the King's intention to enforce these provisions against the commerce of the United States. I shall immediately transmit your reply to my Government, who will judge how far the new policy of this country is justified by the arguments you allege in its favor, and what measure it may be expedient for them to adopt under the circumstances of the case.

Without pretending to anticipate the decision of the President and Congress of the United States, upon this subject, I think it my duty to add here a few short remarks, relating chiefly to the latter part of your Excellency's note, in which you dwell upon the effect of the act of March 3, 1819. You appear to consider this act as a definitive repeal of the two former laws on the same subject, and looking at it from this point of view, you naturally con-

clude that it forms of itself a complete reply to the reasoning in my note, and that, because I did not mention it, I could not be aware of its existence. The act is a document of public notoriety, and is printed in the collection of the laws of the United States, with the other laws which I had occasion to quote. It produced no material effect upon the relations between the countries, and did not therefore require to be mentioned in the course of my remarks upon the subject. I rather regret, however, that I had not attended to it, and explained its operation, inasmuch as the construction given to it by your Excellency, though erroneous, was natural enough in a foreigner unacquainted with the forms of our legislation, and seems to have had on unfavorable influence upon the whole tenor of your reply.

The object of this act, which wears the shape of a repeal of the two former ones, was to fix a time when the subject should be taken up again in Congress. A limitation of this sort is, with us, annexed to almost all new laws of much importance, and often makes a part of them. It furnishes, therefore, in this case, no proof of an intention to change the system: and as the laws and negotiations of the United States, subsequent to its adoption, prove on the contrary their disposition to adhere to it, there is little or no reason to doubt that the result of a reconsideration of the subject, will be to re-enact the law, with such alterations as may appear expedient. Among these alterations will probably be, the repeal of the privileges granted by the act, to any powers which may have subsequently withdrawn the corresponding privileges, formerly allowed by them to the citizens of the United States. Hence, the only effect of this act, upon the relations between those states and the Netherlands, will be to fix the time when the American Government will probably remodel their system, in conformity to that which may be in force here: and if the King is really desirous to continue those relations upon their present footing, the act of March 3, 1819, instead of operating as an objection to the allowance of an exemption to American vessels, from the effect of the new tariff, would serve, on the contrary, as a reason for taking such a measure with the least possible delay.

Such are the remarks which I have thought it my duty to communicate to your Excellency, in relation to the act of March 3, 1819. The other part of your answer, which treats more directly the points in question, would also admit of some objections. You intimate that, provided the duties levied upon foreigners and native citizens, are nominally the same, a Government may allow a drawback in favor of the latter, without subjecting itself to the charge of partiality. This distinction seems, however, to be more formal than real: and if the foreigner actually pays in any way ten per cent. more than the citizen, it would be rather difficult to prove that they are placed upon an equal footing; or in other words, that they pay the same. Your Excellency also remarks, that the discrimination established by the new law, in favor of the subjects of the Netherlands, is justifiable, on account of its object, which was to encourage the navigation of the country. In regard to this point, I must take the liberty to suggest, that the end, supposing it justify the means, does not change their character, nor in this instance, prove that a discrimination in favor of citizens is consistent with perfect impartiality between citizens and foreigners. The American Government had in view the same object, viz: the encouragement of the navigation of their country, in establishing a discriminating tonnage duty in favor of our own vessels: but they certainly never thought of maintaining that the foreigners, against whom this dis-

crimination operates, are as favorably treated in our ports as the citizens of the United States; or of claiming, under this pretence, an impartial treatment for the latter in the ports of such foreigners.

I must, however, beg your Excellency, in conclusion, not to consider these new remarks as intended for the purpose of urging very strenuously upon the Government of the Netherlands, a compliance with the proposition contained in my note of the 7th of March. My principal object has been to explain one or two points in that communication, which you seem to have misunderstood. The people of the United States are too well satisfied with the goodly heritage which the bounty of Providence has allotted to them; and too abundantly supplied from their own territories with the best products of almost all climates, to solicit very anxiously of any foreign power the concession of favors, commercial or political. In proposing to other nations to open them, on a footing of equality, the immense and various resources of our vast Republic, they conceived themselves to be acting for the good of those nations and of humanity, as well as for their own. If the King does not deem it expedient for himself or his subjects to accept this offer, the Government of the United States, without complaining of his refusal, and without suffering much from it, will, doubtless, regret that the views of so enlightened a monarch upon a great question in political economy should be different from their own.

I have the honor to be, with the highest respect, Sir, your Excellency's very obedient serv't,

A. H. EVERETT.

No. 7.

Copy of a letter from the Secretary of State to Mr. Everett, Charge d'Affaires of the United States to the Netherlands.

DEPARTMENT OF STATE,

9th August, 1823.

SIR: Your despatches, to No. 105, inclusive, have been received, and your letters marked private, to No. 27.

The object requiring most immediate attention is your correspondence with the Baron de Nagell, concerning the law of the Netherlands, of the 26th of August, 1822, establishing a drawback of one-tenth of the duties upon merchandise exported or imported in national vessels, and referring to other favors to the national flag, in the general law, and in the tariff.

The view you have taken of both parts of the agreement, in the Baron de Nagell's note of the 27th of May, is approved, and leaves me little to say in addition to it. From the strenuous manner in which the Baron urges the act of Congress of the 3d March, 1819, in justification of the new discriminations in the law of the Netherlands, it is apparent that he places little reliance upon the other part of his note. The object of all discriminating duties is to favor the national shipping and ship-building interest; and whether in the shape of additional impost, of tonnage, of drawback, or of bounty, they are alike felt in the competition of navigation, and alike incompatible with the principle of equal privilege and burden. It will be proper, therefore, explicitly to state that the case hypothetically stated by the Baron de Nagell, of a bounty upon ship-building, is considered by this Government as much within the principle of discriminating duties as a direct tonnage duty, and equally at variance with the system of equalization established with a mutual understanding between the United States and the Netherlands, by reciprocal acts of legislation.

The limitation prescribed by the act of Congress of 3d March, 1819, was, as you have observed, no intimation of an intention on their part, to abandon